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Dmitry Lubomirsky

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EXAMINER

VAN, LUAN V

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UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE BOARD OF PATENT APPEALS
AND INTERFERENCES

Ex parte DMITRY LUBOMIRSKY
and MICHAEL X. YANG

Appeal 2007-3942
Application 10/781,040
Technology Center 1700

Decided: July 2, 2008

Before BRADLEY R. GARRIS, THOMAS A. WALTZ, and CATHERINE
Q. TIMM, *Administrative Patent Judges*.

GARRIS, *Administrative Patent Judge*.

DECISION ON REQUEST FOR REHEARING

This is in response to a Request, filed May 13, 2008, for rehearing of our Decision, mailed March 13, 2008, wherein we sustained each of the Examiner's § 112, first paragraph, and § 103 rejections.

The arguments presented in this Request relate only to the § 103 rejection of claim 1 over Dordi in view of Sendai. Appellants argue "both the Board and the Examiner have failed to show 'tilting the receiving

member to a first tilt angle measured from horizontal', 'displacing the receiving member toward the fluid solution at the first tilt angle', and 'tilting the receiving member to a second tilt angle measured from horizontal when the substrate contacts the fluid solution^[1], the second tilt angle being different from the first tilt angle' as recited in claim 1" (Request 2).

This argument is unpersuasive for the reasons expressed on pages 4-6 of our Decision.

The Request for Rehearing is Denied.

DENIED

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¹ The claim 1 recitation "when the substrate contacts the fluid solution" does not appear to have been argued with any reasonable specificity in the Briefs filed by Appellants in this appeal. We remind Appellants that arguments not raised in the Briefs before the Board are not permitted in a Request for Rehearing (except under circumstances not relevant here). *See* 37 C.F.R. § 41.52 (a)(1).